

**UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
CASE NO. 3:04-cv-384-RJC**

KISS CATALOG, LTD., a New York)
corporation,)
)
Plaintiff,)
)
vs.)
)
PHIL ELLIOTT, a Georgia resident,)
d/b/a KREATURES OF THE SOUTH)
INTERNATIONAL, & ROY DAMN, a)
Nevada Resident, d/b/a KISSVISSION,)
)
Defendants.)

THIS MATTER is before the Court on its own Motion. On August 20, 2008, this Court ordered that the parties show cause before August 27, 2008, why this case should not be dismissed and closed. (Doc. No. 34). Plaintiff responded by letter that it did not oppose the dismissal of the case. (Doc. No. 35). Defendant has not responded within the requisite time.

NOW, THEREFORE, IT IS ORDERED that this matter is **DISMISSED WITHOUT PREJUDICE**.

Signed: September 2, 2008



Robert J. Conrad, Jr.
Chief United States District Judge

